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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/571,198

03/09/2006

David Barras

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,198

Applicant(s)

BARRAS ET AL.

Examiner

Sean Kayes

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

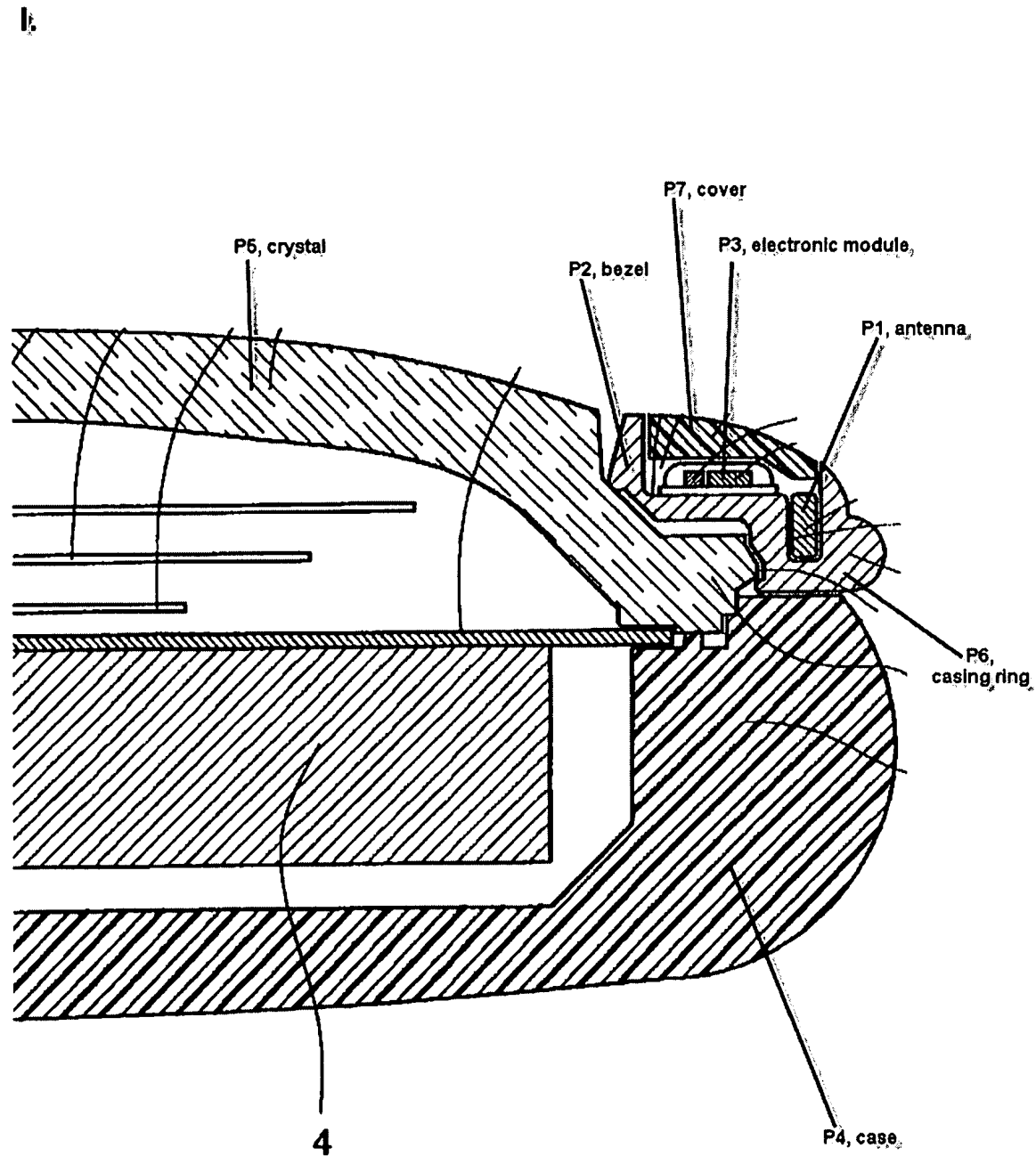
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-19, 23, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch (US 5798984.)

3. With respect to claim 15 Koch discloses a portable electronic instrument, such as a wristwatch, including: a case enclosing an electronic module (P3; 22 figure 2) and a display device (items 6, 8, and 10, figure 1); a crystal (P5; 12 figure 2) fitted onto said case (P4; 2 figure 2); an electric power supply (column 2 lines 52-54) source housed in said case and powering said electronic module and said display device; and an antenna (P6; 20 figure 2) for receiving and/or transmitting radio-frequency signals, the antenna (P6; 20 figure 2) being electrically connected to said electronic module (P3; 22 figure 2), wherein said case (P4; 2 figure 2) includes an exterior body including a bottom and lateral walls; and a bezel (P2; 36 figure 2) element fitted onto said exterior body, and wherein said antenna (P1; 20 figure 2) rests on an outer face of said bezel element.



4. With respect to claim 16 Koch discloses the instrument according to claim 15, wherein said bezel (P2; 36 figure 2) element is fitted in a sealed manner onto said exterior body.

5. With respect to claim 3 Koch discloses the instrument according to claim 15, further including casing ring (P6; 14 figure 2) element arranged between said bezel (P2; 36 figure 2) element and said bottom, said electronic module (P3; 22 figure 2) and said display (6, 8, and 10 figure 1) device being enclosed between said bezel element and said casing ring element.

6. With respect to claim 17 Koch discloses the instrument according to claim 17, wherein said casing ring (P6; 14 figure 2) element and said bezel (P2; 36 figure 2) element are secured to each other so as to form a sub-assembly able to be mounted on and dismantled from said exterior body.

7. With respect to claim 18 Koch discloses the instrument according to claim 17, wherein said casing ring (P6; 14 figure 2) element is held in said bottom (P4; 2 figure 2) by a fixing means.

8. With respect to claim 19 Koch discloses the instrument according to claim 15, wherein said bottom and said lateral walls are made as a single part (P4; 2 figure 2.)

9. With respect to claim 23 Koch discloses the instrument according to claim 15, further including a protective cover ({P7; 30 figure 2} column 3 lines 28-34 states wherein the cover {P7; 30 figure 2} is transparent thus implying that it is a dielectric as

metals and conductive materials are not transparent. However, more explicitly column 3 lines 42-46 state wherein the bezel may be covered with synthetic resin, a dielectric material. Alternatively, the case {P4; 2 figure 2} is disclosed to be plastic, column 2 lines 30-31 and covers the antenna on one side.) made of dielectric material fitted onto said bezel element and coving said antenna.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 5789984) in view of Megner (US 6411569.)

With respect to claim 20 Koch discloses the instrument according to claim 15. Koch does not disclose wherein said exterior body is made of metal material and wherein that said bezel element is made of plastic material.

Megner teaches a watch with an antenna (28 figure 1.) Megner teaches forming a support structure of the antenna portion with plastic (column 3 lines 15-19) and forming the casing with metal (column 3 lines 55-58 and column 4 lines 32-48.)

At the time of the invention it would have been obvious to one skilled in the art to configure Koch's device such that the antenna supporting housing (the bezel) is made out of plastic and the outer casing is made out of metal, as taught by Megner.

The suggestion or motivation for doing so would be to select commonly used materials for the construction of the device, namely a resilient material for the casing and a non-conducting material for the antenna support, as taught by Megner.

12. With respect to claim 22 Koch discloses the instrument according to claim 20, further including an exterior element (P6; 14 figure 2) of essentially annular shape, fitted onto said bezel (30) element, this annular-shaped exterior element having an aperture inside in which said antenna (P6; 20 figure 2) is housed. Koch does not disclose the exterior element being made of a metal material.

Megner teaches forming an exterior portion of an antenna housing out of metal (column 2 lines 55-58.) Megner teaches that this structure can be utilized to screen out undesired interference (column 2 lines 59-63.)

At the time of the invention it would have been obvious to one skilled in the art to make exterior element (P6; 14 figure 2) out of a metal material, as taught by Megner.

The suggestion or motivation for doing so would be to controllably insulate the antenna as taught by Megner.

13. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 5789984) in view of Megner (US 6411569) in further view of Baumgartner (US 4320485.)

14. With respect to claim 21, Koch discloses the instrument of claim 20, wherein an inner face of said bezel element is metallised (P3; 22 figure 2 is an electronic module which inherently has metal.)

Koch does not disclose wherein the electronic module is electrically connected to said exterior body made of metal material.

It is very well-known to ground electronics to metal housings. Baumgartner teaches grounding an electronic module to a metal casing (column 3 lines 8-19.)

At the time of the invention it would have been obvious to one skilled in the art to connect the electronic module to the metal housing as taught by Baumgartner.

The suggestion or motivation for doing so would be to ground the electronic device as taught by Baumgartner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

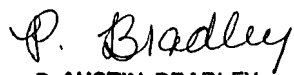
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
11/2/2007


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